

by law have been given and that evidences thereof are hereto attached, and having had the same under consideration, report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 51, A bill to be entitled "An Act authorizing Wichita Falls and Southern Railroad Company and Wichita Falls, Ranger and Fort Worth Railroad Company and their successors, lessees and Assigns to use 3.6 cents per mile as the basic unit for the construction of all passenger fares for adults and corresponding fares for children on and over their lines of railroad so long as such unit shall be used as the basis for passenger fares on the principal railroads of Texas, and declaring an emergency."

We find that the notices required by law have been given and that evidence thereof are hereto attached, and having had the same under consideration, report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Jan. 12, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 53, A bill to be entitled "An Act to authorize Wichita Falls and Southern Railway Company to acquire by purchase or lease for a term of not exceeding ninety-nine years, with the right of purchase at any time during said term, the railroads of Wichita Falls and Southern Railway Company and of Wichita Falls, Ranger and Fort Worth Railroad Company, with the branches and extensions thereof, constructed or to be constructed together with all properties, franchises and appurtenances pertaining thereto, and after said purchase or lease to own and operate or control and operate said lines of railroad with the railroad now owned by it, as a single line of railroad and to complete or extend them or either of

them as contemplated and provided in the respective charters of said companies, with the right to make other extensions and construct such branches as may hereafter be authorized by amendment of the charter of said Wichita Falls and Southern Railroad Company, and to authorize said Wichita Falls and Southern Railway Company and said Wichita Falls, Ranger and Fort Worth Railroad Company, respectively, to convey or lease their said line of railroads, together with the properties, franchises and appurtenances pertaining thereto, to said Wichita Falls and Southern Railroad Company and to vest said companies and each of them with the power to make and execute all deeds, leases and contracts and agreements necessary to effect said purchases and sales or leases and to prescribe the terms and conditions upon which said purchases and sales or leases may be made; and declaring an emergency."

We find that the notices required by law have been given and that evidences thereof are hereto attached, and having had the same under consideration, report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

THIRD DAY.

Senate Chamber,
Austin, Texas,

Thursday, January 13, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent—Excused.

Pollard.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Berkeley:

S. B. No. 55, A bill to be entitled "An Act amending Section 7, 19, and 29, of Chapter 172, of the General Laws of the Regular Session of the Thirty-ninth Legislature so as to better provide for protection of game, and providing a more adequate manner for limits of game or wild birds and animals that may be taken, killed or possessed; providing for hunting licenses in this State; enacting proper provisions for the protection of wild deer, wild fawn deer, and wild buck deer; defining the necessary offenses and prescribing penalties to carry out the provisions of this Act; providing for proper fees of officers and all things incidental to the main purposes of this Act, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Berkeley:

S. B. No. 56, A bill to be entitled "An Act amending Section 8 of Chapter 177 of the General Laws of the Regular Session of the Thirty-ninth Legislature, which section relates to wild beaver, wild otter and wild fox and the pelts thereof, so as to provide that said section shall not apply to wild fox and the pelts thereof, so as to provide that said section shall not apply to that portion of Texas lying west of a line starting at the mouth of the Brazos River where it empties into the Gulf of Mexico, thence following the meanderings of the Brazos River north to the intersection of the east boundary line of Young County, thence north along the west boundary line of Jack and Clay Counties to the Red River, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Berkeley:

S. B. No. 57, A bill to be entitled "An Act to amend Article 288 of the Penal Code of the State of Texas adopted at the Regular Session of the Thirty-ninth Legislature, 1925, so as to make it lawful to teach the Spanish language in the elementary grades in public schools in counties bordering on the boundary line between the United States and the Republic of Mexico, having a city or cities of a population of fifty thousand inhabitants or more, according to the United States census of 1920, and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator Berkeley:

S. B. No. 58, A bill to be entitled "An Act to amend Article 3116 of the revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, regulating the assessment of candidates for the payment of primary expenses and providing that no candidate's name shall be placed upon the ballot unless he shall have paid his share of such expense so as to limit the amount required to be paid by candidates for Chief Justice or Associate Justice of a Court of Civil Appeals, or for representative in Congress for district judge or district attorney or any other district office in representative or judicial districts composed of four or more counties, and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Berkeley:

S. B. No. 59, A bill to be entitled "An Act to amend Article 3392 of the Revised Civil Statutes of Texas, 1925, relating to county clerks and their compensation for ex-officio and other public services rendered so as to provide that the total amount paid the county clerk in one year shall not be less than fifty nor more than fifteen hundred dollars, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 60, A bill to be entitled "An Act amending Section 4 of Chapter 29 of the General Laws of the Second Called Session of the

38th Legislature and adding thereto Section 4-a and amending Section 7 of said Chapter 29, so as to exempt from the inheritance tax provided for in said Chapter bequests, devises, gifts, grants, conveyances and transfers of any kind or character whatsoever passing to or for the use of religious, educational or charitable organizations located within this State or to a city, town or county within this State or to the State of Texas, to be used within this State; and relieving and releasing any and all beneficiaries of the kind and character above mentioned from payment of any inheritance taxes which may have heretofore accrued; and repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 61, A bill to be entitled "An Act to provide for the establishment, maintenance, organization, and management of a Texas State Museum; appropriating the sum of \$500,000.00 for the erection of a monumental fire-proof building for said museum to be dedicated to the memory of the great men and women of Texas history; appropriating a sum per annum for the support and maintenance of said museum for each of the years ending August 31, 1927 and August 31, 1928, and August 31, 1929; locating the said museum on the campus of the University of Texas; constituting the Board of Regents of the University of Texas, a Board of Control for said museum; regulating the exploration of Texas archaeological sites and the search for and accumulation of archaeological specimens and materials and the exportation of the same from the State, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Bailey:

S. B. No. 62, A bill to be entitled "An Act amending Chapter 8 of Title 69 of the Revised Civil Statutes of the State of Texas adopted at the Regular Session of the 39th Legislature by adding thereto an article to be known as Article 4195-a providing: Whenever the estate of a minor consists in part of real estate and any part or parcel of such real

estate produces no revenue or does not produce sufficient revenue to make a fair return upon the value of such part or parcel of said real estate, and the guardian of said estate does not deem it advisable or advantageous to said estate to improve such part or parcel of said real estate, and said guardian believes the sale of such part or parcel of said real estate and the investment of the money derived therefrom would be to the best interests of said estate under all circumstances, said guardian may make a written application to the court in which such guardianship is pending stating such facts and asking for an order to sell such part or parcel of said real estate, and authorizing the court to order such sale, and providing for an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Real:

S. B. No. 63, A bill to be entitled "An Act to amend Chapter Two, Article 1024, Code of Criminal Procedure of the State of Texas, as to fees allowed in Habeas Corpus and felony cases."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Real:

S. B. No. 64, A bill to be entitled "An Act to amend Title One, Chapter One Article 3943, Revised Civil Statutes of Texas, relating to fees of Office of County Treasurers, so as to hereafter read as follows:"

Read first time and referred to Committee on State Affairs.

By Senator Real:

S. B. No. 65, A bill to be entitled "An Act to amend Article 277, Title 5, Chapter 4, of the Code of Criminal Procedure Legislature, 1925, relating to the manner in which bail shall be taken in cases of felony and misdemeanor, and providing in cases of felony for the creation of a lien on the property of the sureties described in the bail bond, the recording of same by the County Clerk, or clerks in the counties where the lands in said bond is situated; the release of same by the District Attorney and providing for the fee of the county clerk to be paid the State, for the recording and release of such bail bonds, and providing for the manner of foreclosure of the lien on the real

estate shown in said bond and providing further for a cash or surety bond in cases of felony, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Fairchild:

S. B. No. 66, A bill to be entitled "An Act to amend Article 2135 of the Revised Civil Statutes of Texas, by exempting from jury service agents and patrol men engaged in forestry protection work employed by the State Department of Forestry when engaged in the regular and actual discharge of their duties, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Reid

S. B. No. 67, A bill to be entitled "An Act to amend H. B. No. 369, of the Acts of the 39th Legislature, Regular Session, Chapter 86, and providing for the reorganization of the Thirty-first Judicial District of Texas, naming the counties constituting the same, creating and organizing the One Hundred Seventh Judicial District of Texas and naming the counties therein, fixing the terms of the District Courts in the several counties of said two Judicial Districts. Providing for the appointment of a District Judge and District Attorney for the One Hundred Seventh Judicial District; providing further that process issued, and bonds and recognizance made, and grand and petit jurors, drawn to the terms now fixed by law, before the taking effect of this Act, shall be valid for and returnable to the several terms as herein set forth, fixing the time of taking effect of this Act; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Real:

S. B. No. 68, A bill to be entitled "An Act to change the names and designation of the County Court of Bexar County for civil cases to the "County Court At Law No. 1, of Bexar County, Texas;" to increase the jurisdiction of each of said courts by conferring upon said courts additional civil criminal jurisdiction in certain cases and matters, and making

the jurisdiction of said courts equal and concurrent; to provide for the filing of civil and criminal cases in said courts; to provide for the judges of said courts holding court for or with one another; to provide for the continued effect and return of writs, process, judgments, decrees, bonds, etc.; to provide for the taking of an oath of office by the judges of said courts, and for the collection of fees; to provide for the time of holding said courts, the terms thereof; to fix and increase, and provide for the payment of, the salaries of the judges of the said county courts at law; to provide for the appointment and payment of an official shorthand reporter for the County Court at Law No. 2, of Bexar County, Texas, to provide that all previous Acts of the Legislature specially governing either said county court of Bexar County for civil cases or said county court of Bexar County for criminal cases, except insofar as in conflict herewith, shall remain in force and effect, and apply, or be extended alike, to each of said county courts at law; to provide for the taxing, collection and disposition of costs in said courts; providing a clause; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Simple Resolution No. 10.

Senator Moore sent up the following resolution:

By Senator Moore:

Whereas, Albert Sidney Johnston Chapter, Daughters of the Confederacy, of Austin will on Wednesday, January 19, celebrate the birth of two of the South's distinguished citizens and Confederate soldiers, namely, Generals Robt. E. Lee and Stonewall Jackson, and

Whereas, members of said chapter have asked the privilege of holding their memorial service in the Senate Chamber, therefore be it

Resolved, that the Senate extend to Albert Sidney Johnston Chapter, Daughters of the Confederacy, the use of the Senate Chamber on Wednesday evening, January 19, in which to render their program, which will be open to the public.

The resolution was read and adopted.

Simple Resolution No. 11.

Senator Bailey sent up the following resolution:

By Senator Bailey:

Resolved that Rule No. 22 of the Rules of the Senate be amended so as to hereafter read as follows:

"Rule 22. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn or recess; provided, however, that the author of a measure, or whichever one of the several authors of the same may be by them selected so to do, shall have the right, when a motion to lay on the table shall have been made to close the debate, which privilege he may yield to any other Senator subject to all of the rules of the Senate.

The resolution was read and adopted.

Simple Resolution No. 12.

By Senators Witt, Real, Woodward and Ward:

Whereas, Madam Schumann-Heink, one of the world's famous singers and America's most patriotic women is now in the city,

Therefore be it resolved, That she be invited to visit the Senate and speak or sing for us, as may suit her pleasure.

The resolution was read and adopted.

Senate Concurrent Resolution No. 3.

By Senator Real, et al:

Whereas, a surplus of farm crops has for years caused the market on these crops to fluctuate in such manner as to materially interfere with the living conditions of our agricultural classes, and

Whereas, these surpluses have never proven to be surpluses over a term of years, and

Whereas, it is felt by all farm organizations in the United States, after having given mature thought to this question, that farm legislation is necessary in order that the farmers might thus control these surpluses and spread them out over a term of years and thereby prevent these wide fluctuations, and

Whereas, a bill is now pending in Congress, S. B. No. 4808, and

Whereas, we believe that the passage of this legislation will materially benefit our agricultural classes at this time, and in the future;

Now, therefore, be it resolved by the Senate of the State of Texas, the House of Representatives concurring therein:

That we do hereby memorialize

Congress to pass this legislation without material change, at as early a date as is possible.

The resolution was read and referred to the Committee on Agriculture.

Senate Joint Resolution No. 6.

By Fairchild:

Proposing an amendment to Article XVI of the Constitution of Texas, by the addition of a new section to said Article XVI, to be numbered Section 65; providing legislative authority for the enactment of laws to encourage the conservation of the timber resources of the State, and for the reforestation of deforested lands; for the administration of such laws; for the time and manner of voting upon such proposed constitutional amendment; defining certain duties of the Governor in connection therewith; and making an appropriation to defray expenses of proclamation, publication and election.

The resolution was read first time and referred to Committee on Constitutional Amendments.

Senate Bill No. 5.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 5, A bill to be entitled "An Act amending Chapter 115, Local and Special Laws of the Legislature, same being a Special Road Law for Duval County, by adding thereto Sections 17, 18, 19, 20, 21, 22, and 23; validating an election for the issuance of special road bonds of said county; enacting provisions necessary and incidental to the subject and purpose of this Act; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 5, put on its third reading and final passage, by the following vote:

Years—30

Bailey.	Greer.
Berkeley.	Hall.
Bledsoe.	Hardin.
Bowers.	Holbrook.
Fairchild.	Lewis.
Floyd.	Love.

McFarlane.	Smith.
Miller.	Stuart.
Moore.	Triplett.
Neal.	Ward.
Parr.	Westbrook.
Price.	Wirtz.
Real.	Witt.
Reid.	Wood.
Russek.	Woodward.

Absent—Excused.

Pollard.

The bill was read third time and passed finally, by the following vote:

Yeas—28

Bailey.	Parr.
Berkeley.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Nays—2.

Bledsoe. Floyd.

Absent—Excused.

Pollard.

Senate Bill No. 6.

The Chair laid before the Senate, on second reading the following bill:

S. B. No. 6, A bill to be entitled "An Act amending Chapter 115, Local and Special Laws, Regular Session, Thirty-fifth Legislature of the State of Texas entitled 'An Act to create a more efficient road law for Duval County, Texas, etc.'; to permit the issuance of refunding bonds for the purpose of funding or refunding indebtedness incurred for road and bridge purposes; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 6, put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent—Excused.

Pollard.

The bill was read third time and passed finally, by the following vote:

Bailey.	Parr.
Berkeley.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Nays—2.

Bledsoe. Floyd.

Absent—Excused.

Pollard.

Executive Session.

On the motion of Senator Hall, the Senate voted to go into Executive Session this afternoon at 2:30, to consider nominations of the Governor.

Addition to Committee.

Senator Love received unanimous consent to have the name of Senator Stuart added to the Committee on Internal Improvements.

Recess.

On the motion of Senator Bailey the Senate at 10:40 a. m. recessed until this afternoon at 2:00 p. m.

After Recess.

The Senate was called to order by Lieut. Governor Miller at 2:00 o'clock p. m., pursuant to recess.

Simple Resolution No. 13.

Senator Fairchild sent up the following resolution:

By Senator Fairchild:

WHEREAS, Senator R. S. Bowers has heretofore served with marked ability on the Committee on Penitentiaries, and has rendered distinguished services on said Committee.

THEREFORE, be it resolved that he be named by the Senate as a member of said Committee.

The resolution was read and adopted.

Senate Concurrent Resolution No. 4.

Senator Wood asked unanimous consent to send up the following concurrent resolution:

By Senator Wood:

A concurrent resolution providing for counting vote of Governor and Lieutenant Governor.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That there shall be held in the Hall of the House of Representatives at 10:30 o'clock a. m., Monday, January 17th, 1927, a joint session of the Legislature for the purpose of receiving and considering the returns of the election for the executive officers of the State of Texas, and opening said returns and publishing said returns and the results thereof, in the presence of both houses of the Legislature, and for the further purpose of then and there determining what persons received the highest number of votes for the said respective executive offices of the State of Texas, and for the further purpose of making declaration as to the election of said executive officers of the State of Texas.

The resolution was read and adopted.

Simple Resolution No. 14.

Senator Westbrook sent up the following resolution:

By Senator Westbrook:

BE IT RESOLVED, That A. W. Holt, Sergeant-at-Arms be allowed pay for the time spent at the Capitol prior to convening of the Fortieth Session, said time being spent in renovating committee rooms and getting

Senate in readiness for Session, time spent from 5th to 10th.

Be it also resolved that pay be allowed Buck Green, Porter, for five days prior to opening of Session, time spent in assisting Sergeant-at-Arms.

Senate Bill No. 69.

By Senator Westbrook:

S. B. No. 69, A bill to be entitled "An Act authorizing the Commissioner of Agriculture to establish, maintain and enforce quarantine regulations to protect the agricultural and horticultural interests of this State against infestation by insect pests and plant diseases; to prohibit or restrict the sale and transportation of such plants and plant products as are known to carry insect pests and plant diseases; to have full power to deal with dangerous fruit and crop pests and plant diseases in such manner as may be necessary to carry into effect provisions of this Act; to have authority to declare "pest free" zones; providing for hearings to be held by the chief entomologist of the Department of Agriculture and others that may be designated; providing for due notice for such hearings and reports of the proceedings had; providing for appeal from the decision of the Commissioner of Agriculture; providing for declaration of "control" or "eradication" zones by the Commissioner of Agriculture upon recommendation of the commissioners' court of any county in this State; making it the duty of the Commissioner of Agriculture to cause an investigation to be made of the existence or non-existence of any pest in an area when called upon by the commissioners' court; providing for the commissioners' court to hold hearings and to make report to the Commissioner of Agriculture of its conclusions; authorizing the commissioners' court to appropriate moneys to carry into effect the provisions of this Act; providing for the examination and licensing of persons offering themselves as experts for hire to do tree pruning, spraying, fertilizing, budding, grove supervision, tree surgery or treatment of diseased trees or orchards; providing that this Act shall be cumulative of all laws now on the statute books; providing penalties, and declaring an emergency."

Read first time and referred to Committee on Agriculture.

Senate Bill No. 70.

By Senator Holbrook:

S. B. No. 70, A bill to be entitled "An Act relating to the filing and recording of instruments of writing, heretofore and hereafter recorded, and the effect thereof, and validating defective certificates of acknowledgment."

Read first time and referred to Committee on Civil Jurisprudence.

Senate Bill No. 71.

By Senator Love:

S. B. No. 71, A bill to be entitled "An Act prescribing and fixing the number of hours that shall constitute a legal day's work on all work being performed by or on behalf of the State of Texas, or by or on behalf of any county, municipality or other legal or political subdivision of said State; providing for cases of emergency; prescribing penalties for its violation, and expressly repealing an Act passed at the Regular Session of the Thirty-second Legislature, known as H. B. No. 98, and being the same Act that was attempted to be vetoed by the Governor, but which veto was held ineffective by the Supreme Court because the veto message was filed with the Secretary of State after the expiration of twenty days as held by the Supreme Court in the case of R. B. Minor, et al. vs. C. C. McDonald, Secretary of State; and expressly repealing H. B. No. 298, known as Chapter 121 of the Acts of the Thirty-seventh Legislature, Regular Session of 1921, and declaring an emergency."

Read first time and referred to Committee on Labor.

Senate Bill No. 72.

By Senator Bailey:

S. B. No. 72, A bill to be entitled "An Act to amend Section 5, Chapter 45 of the General Laws of the Regular Session of the Thirty-second Legislature so as to authorize cities and towns which have dredged a channel or constructed a roadway across any of said bays, or which may hereafter do so, to purchase the island with which said channel or roadway is connected and the islands in the vicinity of such island, the areas authorized to be purchased by any one city or town, exclusive of rights of way for channel and roadway, not to exceed in the aggregate three hun-

dred and twenty acres, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Senate Bill No. 73.

By Senator Westbrook:

S. B. No. 73, A bill to be entitled "An Act to amend Article 847 of the Criminal Procedure of the State of Texas, by providing thereto that no judgment of a trial court shall be reversed for any error which manifestly did no injury to defendant."

Read first time and referred to Committee on Criminal Jurisprudence.

Senate Bill No. 74.

By Senator Westbrook:

S. B. No. 74, A bill to be entitled "An Act to amend Article 553 of the Code of Criminal Procedure, providing that indictments or informations may be amended under circumstances that will not surprise or injure the defendant."

Read first time and referred to Committee on Criminal Jurisprudence.

Senate Bill No. 75.

By Senator Real:

S. B. No. 75, A bill to be entitled "An Act to provide for summoning the general panel of petit jurors by mail, and for making return on such summon; also declaring the effect of such summons and return, providing for payment of expenses of same, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Senate Bill No. 76.

By Senator Real:

S. B. No. 76, A bill to be entitled "An Act to amend Article 1460, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, as amended by Chapter 131, General Laws, passed at the Regular Session of the Thirty-fourth Legislature, and as further amended by Chapter 134, General Laws, passed at the Regular Session of the Thirty-fifth Legislature. Also as amended by Senate Bill No. 132, Acts of the Thirty-eighth Legislature, and being entitled "County Auditors—Compensation, etc., in certain counties," page 391, Acts of the Thirtieth Legislature, relating to the appointment and compensation of

county auditors in counties containing a population of thirty-five thousand inhabitants or over, or having taxable valuation of fifteen million dollars or over, and adding to and amending said Acts by fixing the compensation of county auditors in counties having a population of over one hundred and fifty thousand inhabitants, according to the last United States census, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Executive Session.

At 2:30 p. m. the Chair announced the time had arrived for executive session and the Senate went into executive session to consider nominations of the Governor.

After the Executive Session.

The Secretary reported to the Journal clerk the following proceedings in executive session.

The following nominees were confirmed by the Senate.

Member of Commission of Appeals to Assist The Court of Criminal Appeals.

Hon. Lamar Bethea of Brazos County, Texas, to fill out the unexpired term of Judge E. A. Berry of Harris County, Texas, resigned.

Judges of The Judicial Districts.

32nd Judicial District, Hon. Fritz R. Smith of Scurry County, Texas, to fill out the unexpired term of Judge Leslie, resigned.

56th Judicial District, Hon. Chas. G. Dibrell, of Galveston County, Texas, to fill out the unexpired term of Judge Brady, resigned.

82nd Judicial District, Hon. E. M. Dodson, of Falls County, Texas, to fill out the unexpired term of Judge Oltorf, resigned.

District Attorneys For The Judicial Districts.

72nd Judicial District, Hon. L. A. Howard, of Lubbock, Texas, to fill out the unexpired term of the incumbent, resigned.

Message From The House.

The Chair recognized the doorkeeper, who introduced a messenger from the House with the following message from the House.

Hall of the House of Representatives, Austin, Texas, Jan. 13, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 1, Making appropriations to pay mileage per diem and contingent expenses of the Regular Session of the 40th Legislature.

Respectfully submitted.

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Recess.

The Senate at 5:30 p. m., on the motion of Senator Bailey recessed until Friday morning at 10:00 o'clock a. m.

After Recess.

The Senate was called to order at 10:00 o'clock a. m., Friday morning, January 14, 1927, pursuant to recess.

Senate Bill No. 26.

The Chair laid before the Senate, the following bill:

S. B. No. 26, A bill to be entitled "An Act ratifying and confirming the sale under execution heretofore made of the Motley County Railway, its properties, rights and franchises, to G. E. Hamilton, Trustee for the Quanah, Acme and Pacific Railway Company, and authorizing the transfer and conveyance by such Trustee of such Motley County Railway, its properties, rights and franchises to the Quanah, Acme and Pacific Railway Company, and granting authority to the Quanah, Acme and Pacific Railway Company to acquire and own such railway, its properties, rights and franchises and to consolidate said Motley County Railway, its properties, rights and franchises with the Quanah, Acme and Pacific Railway and maintain and operate the consolidated properties as one line railway, under the name and style of Quanah, Acme & Pacific Railway Company; provided, such sale and transfer shall be made subject to all legal claims, debts, judgments, liens and other obligations now existing, or that may hereafter be filed or instituted against said Motley County Railway Company, or such Trustee, and subject to pending suits or actions, or suits or actions that may be hereafter brought against said

Motley County Railway Company, or such Trustee, before the final consolidation of said railways has been effected, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 26, put on its third reading and final passage, by the following vote:

Yeas—21

Bailey.	Bowers.
Berkeley.	Fairchild.
Bledsoe.	Floyd.
Greer.	Russek.
Love.	Smith.
Miller.	Triplett.
Moore.	Ward.
Neal.	Westbrook.
Real.	Wirtz.
Reid.	Woodward.

Absent.

Hall.	Price.
Hardin.	Stuart.
Holbrook.	Witt.
Lewis.	Wood.
Parr.	

Absent—Excused.

Pollard.

The bill was read third time and passed finally, by the following vote:

Yeas—22

Bailey.	Neal.
Berkeley.	Price.
Bledsoe.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Stuart.
Hardin.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.
Moore.	Woodward.

Absent.

Bowers.	Parr.
Floyd.	Smith.
Holbrook.	Witt.
Lewis.	Wood.

Absent—Excused.

Pollard.

Senate Bill No. 53.

The Chair laid before the Senate the following bill:

S. B. No. 53, A bill to be entitled "An Act to authorize Wichita Falls and Southern Railroad Company to acquire by purchase or by lease for a term of not exceeding ninety-nine years, with the right of purchase at any time during said term, the railroads of Wichita Falls and Southern Railway Company and of Wichita Falls, Ranger and Fort Worth Railroad Company with the branches and extensions thereof, constructed or to be constructed together with all properties, franchises and appurtenances pertaining thereto, and after said purchase or lease to own and operate or control and operate said lines of railroad, with the railroad now owned by it, as a single line of railroad and to complete or extend them or either of them as contemplated and provided in the respective charters of said companies, with the right to make such other extensions and construct such branches as may hereafter be authorized by amendment of the charter of said Wichita Falls and Southern Railroad Company, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 53, put on its third reading and final passage, by the following vote:

Yeas—23

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Triplett.
Hall.	Ward.
Hardin.	Westbrook.
Love.	Wirtz.
McFarlane.	Woodward.
Miller.	

Absent.

Holbrook.	Stuart.
Lewis.	Witt.
Parr.	Wood.
Reid.	

Absent—Excused.

Pollard.

The bill was read third time and passed finally, by the following vote:

Yeas—21

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Love.	Westbrook.
McFarlane.	Woodward.
Miller.	

Absent.

Bowers.	Parr.
Holbrook.	Russek.
Lewis.	Stuart.
Wirtz.	Wood.
Witt.	

Absent—Excused.

Pollard.

Senate Bill No. 51.

The Chair laid before the Senate, the following bill:

S. B. No. 51, A bill to be entitled "An Act authorizing Wichita Falls and Southern Railroad Company and Wichita Falls, Ranger and Fort Worth Railroad Company and their successors, lessees and assigns to use 3.6 cents per mile as the basic unit for the construction of all passenger fares for adults and corresponding fares for children on and over their lines of railroad so long as such unit shall be used as the basis for passenger fares on the principal railroads of Texas, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 51, put on its third reading and final passage, by the following vote:

Yeas—21

Bailey.	Neal.
Berkeley.	Price.
Bledsoe.	Real.
Fairchild.	Reid.
Floyd.	Smith.
Greer.	Triplett.
Hall.	Ward.
Hardin.	Westbrook.
Love.	Wood.
McFarlane.	Woodward.
Moore.	

Absent.

Bowers.	Russek.
Holbrook.	Stuart.
Lewis.	Wirtz.
Miller.	Witt.
Parr.	

Absent—Excused.

Pollard.

The bill was read third time and passed finally, by the following vote:

Yeas—21

Berkeley.	Neal.
Bledsoe.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Love.	Westbrook.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Nays—1

Bailey.

Absent.

Bowers.	Russek.
Holbrook.	Stuart.
Lewis.	Wirtz.
Parr.	Witt.

Absent—Excused.

Pollard.

Bills and Resolutions.

Unanimous consent was granted to send up and have read, the following bill:

Senate Bill No. 77.

By Senator Real:

S. B. No. 77, A bill to be entitled "An Act making theft of an automobile or any part thereof, or accessory thereto, a felony, and affixing a punishment therefor, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

Senate Bill No. 78.

By Senator Real:

S. B. No. 78, A bill to be entitled "An Act fixing in counties having a population of one hundred and fifty thousand inhabitants, the compensation of district attorneys and provid-

ing for the appointment of assistant district attorneys, investigators, stenographers, grand jury bailiffs, deputies and other employees, and providing for their salaries and the manner of their payment, and providing for the duties and authority of investigators, and providing for the purchase, operation and maintenance of automobiles, and repealing all laws in conflict herewith with exceptions, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Senate Bill No. 79.

By Senators Bailey and Russek:

S. B. No. 79, A bill to be entitled "An Act to amend Article 5954 of the Revised Civil Statutes of Texas, 1925, defining the authority and territorial jurisdiction of notaries public, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Senate Bill No. 80.

By Senator Floyd:

S. B. No. 80, A bill to be entitled "An Act to amend Article 2350 of Title 44, the R. S. of 1925, changing the year upon which is based the assessed valuation of taxable properties affected by the Act to be amended; relating to the compensation of county commissioners, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Senate Bill No. 81.

By Senator Love:

S. B. No. 81, A bill to be entitled "An Act relating to the practice of barbering; providing who shall practice barbering and who shall serve as an apprentice, and requiring the certificate as a registered barber and a certificate of registration as an apprentice, and providing for qualifications a barber and an apprentice barber shall possess in order to receive a certificate and to practice barbering; providing who are exempt from the provisions of this Act; the standard of education and the qualifications for certificates of registration as a registered apprentice; providing for examinations of applicants; providing the age, character and habits of persons issued certificates, etc."

Read first time and referred to Committee on State Affairs.

Senate Bill No. 82.

By Senator Price:

S. B. No. 82, A bill to be entitled "An Act to amend Article 164 of the Revised Civil Statutes of Texas, 1925, providing that the commissioners' court of any county of this State is authorized to establish and conduct co-operative demonstration work in agriculture and home economics in co-operation with the Agricultural and Mechanical College of Texas, upon such terms and conditions as may be agreed upon by the commissioners' court and the agents of the Agricultural and Mechanical College of Texas; and providing that any such court may employ such means, and appropriate and expend such sums of money, as may be necessary to carry on this work, and declaring an emergency."

Read first time and referred to Committee on Agriculture.

Senate Bill No. 83.

By Senator McFarlane:

S. B. No. 83, A bill to be entitled "An Act to provide for refunding certain bonds of the State of Texas now owned by the permanent school fund; providing for the execution of new bonds in lieu thereof; providing method of exchange of said bonds; making appropriation to pay accrued interest and to pay expense of lithographing bonds, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Senate Bill No. 84.

By Senator Bledsoe:

S. B. No. 84, A bill to be entitled "An Act to amend Article 417 of the Code of Criminal Procedure so that one indictment may cover all offenses growing out of the same transaction."

Read first time and referred to Committee on Criminal Jurisprudence.

Senate Bill No. 85.

By Bledsoe:

S. B. No. 85, A bill to be entitled "An Act to amend Article 612 of the Code of Criminal Procedure and to further regulate and prescribe the manner of qualifying and selecting jurors for trial of capital cases, and repealing Articles 612, 613, 614, and 615, in so far as they may be in

conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

Senate Bill No. 86.

By Bledsoe:

S. B. No. 86, A bill to be entitled "An Act to repeal Section 702 of the Code of Criminal Procedure."

Read first time and referred to Committee on Criminal Jurisprudence.

Simple Resolution No. 15.

Senator Fairchild received unanimous consent to send up the following resolution:

Whereas, At this session of the Legislature there will be an unprecedented amount of measures and legislation to be considered and passed, and many intricate and difficult constitutional questions and questions of statutory construction and the proper preparation of measures and bills will demand the attention of the Senate; and,

Whereas, There is great need for legal aid of a competent person who can give his special attention to such matters and act for the Senate as a legislative counsellor; and,

Whereas, L. C. Sutton has been an assistant Attorney General for many years, and has had probably more experience in such matters than any other person in this State, and it is the desire of the Senate to procure his services, if possible; now, therefore, be it

Resolved by the Senate of the State of Texas, That L. C. Sutton be tendered employment as such legislative counsellor for the Regular Session, who shall attend to such matters for the Senate as shall be referred to him. Upon acceptance and entering upon said duties, the compensation of said counsellor shall be \$35.00 per day, payable out of the appropriation for contingent expenses. He shall also be furnished office space, a stenographer of his own choice, and such books, supplies, and equipment as shall be necessary, on order of the President of the Senate, the same to be paid for out of the appropriation for contingent expenses.

The resolution was read.

Bill Signed.

After its caption was read the Chair signed in the presence of the Senate the following bill:

S. B. No. 1.

Report of Committee to Examine the Revised Statutes of 1925.

Senator Bailey sent up the following report to be printed in the Journal:

To The Honorable Senate and House of Representatives of Texas:

Pursuant to a concurrent resolution adopted during the Special Session of the 39th Legislature, a committee of one member from the House and one from the Senate was appointed to correct the errors of omission and commission contained in the codification of the laws which was by the Codification Commission laid before the 39th Legislature.

The Lieutenant Governor appointed Senator J. G. Strong of the 2nd District, and the Speaker of the House named Norman G. Kittrell, representative from the 19th District, and the Committee so appointed deems it proper to lay before your honorable bodies the following report:

Your Committee engaged a stenographer with long experience in court work and prepared to perform the duty devolved upon it by the terms of the resolution.

They had scarcely begun the work before they saw in the public prints that the governor had vetoed the concurrent resolution, and they were left without any source from which to derive the money necessary to meet the expenses of the work.

Regardless of the veto, your Committee was inclined to carry out the purpose of its appointment, but it seemed most probable, if not obvious, that it would be exceedingly difficult to do the work in a manner to render it of material value, within the time allotted, if the language in which the resolution was phrased was literally interpreted, as we conceived it must be.

Aided by Hon. E. T. Branch, one of the Codifying Commission, whose labors, however, were more particularly devoted to the Penal Code and Code of Criminal Procedure, the member of the Committee from the House made as careful examination of the Civil Code as the time at his disposal permitted, and by so doing

discovered that it was entirely practicable by a number of very brief acts to correct all the more material errors of commission and omission, many of which were the result of the use of the wrong preposition and many caused by errors, oversight and skipping of lines by the stenographer who typed the copy, and by failure to use care in reading the "copy" when typed. Many of the errors were so obvious that by applying rules of construction recognized and applied by our courts in dealing with the question of recodification when the old law not meant to be changed, the harmfulness of such errors could be in a large measure removed.

Mr. Branch, with almost infinite labor and care, had with pen and ink marked in his own copy of the Civil Code a large part of the errors and prepared explanations of the same and what steps would be necessary to be taken in order to correct them.

It may be helpful to say in this connection that there was recently appointed by the President of the Harris County Bar Association a committee of very capable lawyers, some of whom have served on the bench, to examine the new Civil Code and report what errors were discovered, and how they could best be corrected.

The report was made at the annual meeting and dinner on December 30, 1926. The Chairman, speaking for the Committee, said that investigation had shown that the reports widely circulated that there were a multitude of material errors which were in large measure erroneous.

He said that the error arose from the fact that the Commission had rearranged the Code and had transferred certain chapters and articles to their proper places under proper titles, where they had not before been, and consequently the numbers of the Articles were necessarily changed.

Every member who has carefully read the new Code and compared it with the old will have observed that the Codifying Commission adopted the plan and method of condensing the subdivisions of many articles into one article, but so preserving the phraseology as not to change the legal meaning, which fact has led the casual readers of the new Code to

believe that the condensed subdivisions had been omitted.

There are unquestionably apparent in the Civil Code many errors, but a number of them are harmless and are susceptible of easy correction.

The most material error is one which evidently occurred in putting in typewritten form Article 3726, relating to recorded deeds to be used as evidence in cases of trespass to try title.

The typewriter operator evidently skipped several lines, but, according to the rule of construction above referred to, the courts would have applied the law as it aforesaid was to any case in which the article was invoked.

The Committee presents herewith twenty-two bills, all of which have been prepared by Mr. Branch and all of which will be introduced in the House by the member of your Committee from that body.

They appear to him to have been carefully drawn and in the emergency clause of most of them the reason for the necessity of their enactment into law is given.

Your Committee has incurred no expense except the services of a stenographer in preparing this report, which was negligible.

STRONG,

On the part of the Senate.

KITTRELL,

On the part of the House.

Simple Resolution No. 15.

On motion of Senator Wirtz Simple Resolution No. 15 was made special order for Monday morning at 10:15 o'clock.

Senate Bill No. 3.

The Chair laid before the Senate by unanimous consent the following bill,

S. B. No. 31, A bill to be entitled "An Act to create the Bovina Independent School District, in Parmer County, Texas; including the present Bovina Common School District No. 5 of said county, and also including Leagues 500, 498, and 507, in the Common School District No. 16 of said county; providing a board of trustees therefor; vesting said district and board of trustees with privileges; providing a board of trustees to have power to appoint a tax assessor and a collector and a board of equalization for said district; provid-

ing that the outstanding bonds shall remain chargeable against territory which voted same, and providing that the local tax assessment as heretofore existing in the Bovina Common School District No. 5 shall remain in force in the school district herein created; repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The bill was passed to engrossment.

On motion of Senator Reid, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 31, put on its third reading and final passage, by the following vote:

Yeas—24

Bailey.	Neal.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Triplett.
Hall.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Wood.
Moore.	Woodward.

Absent.

Hardin.	Parr.
Holbrook.	Stuart.
Lewis.	Witt.

Absent—Excused.

Pollard.

The bill was read third time and passed finally, by the following vote:

Yeas—24

Bailey.	Neal.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Floyd.	Triplett.
Greer.	Ward.
Hall.	Westbrook.
Hardin.	Wirtz.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Holbrook.	Parr.
Lewis.	Stuart.
Love.	Witt.

Absent—Excused.

Pollard.

Adjournment.

On motion of Senator Wood the Senate at 11:16 o'clock a. m. adjourned until Monday morning at 10:00 o'clock.

APPENDIX.

Privileged Committee Reports.

Committee Room,

Austin, Texas, Jan. 13, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 1 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:25 o'clock a. m. presented the same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,

Austin, Texas, Jan. 13, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We your, Committee on Engrossed Bills, have had S. B. No. 6 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Jan. 13, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We your, Committee on Engrossed Bills, have had S. B. No. 5 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

(Majority Report.)

Committee Room,

Austin, Texas, Jan. 13, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Rules, to whom was re-

ferred the following amendment to Rule No. 70:

"Amend Rule 70, by adding to the end thereof the following:

(37) A Committee on Legislative Representation.

This Committee shall consist of seven members, and it shall be the duty of every legislative representative, and every attorney, agent or employee of any person, firm or corporation, or of any class or group of persons, firms or corporations, who, in the City of Austin, shall in any manner, attempt to aid or influence the passage or defeat of any legislation pending or to be pending; or which may be introduced in either house of the Legislature, first to register with the Committee on Legislative Representation by filing with its chairman a sworn statement, setting forth such facts and on such forms as the Committee may prescribe, such statements so filed to be a part of the records of the Senate.

It shall be a violation of the rules of the Senate, punishable as for contempt, for any person, in the City of Austin, to communicate with or interview any Senator touching any such legislative matter or to appear before any Committee of the Senate in connection therewith without first having registered, as herein required.

The Committee on Legislative Representation shall have the power to send for persons and papers and to summon and examine witnesses under oath and it shall be its duty to make such examinations and investigations as it shall deem advisable, or as may be requested in writing by any Senator, for the purpose of ascertaining and informing the Senate of the facts pertinent to the employment or compensation of any attorney, or of the methods used by any such representative, agent or attorney, to influence legislation, including any contributions heretofore made by any such representative, agent or attorney, or by any person, firm or corporation represented by them, to campaign funds of this State.

Said Committee shall hold open sessions, and from time to time, shall report to the Senate the testimony of all witnesses examined by it and all sworn statements filed with its chairman."

Have had the same under consideration, and beg leave to report the

same back to the Senate with the recommendation that it do not pass.

BAILEY,
HARDIN,
WOODWARD.

(Minority Report.)

Committee Room,

Austin, Texas, Jan. 13, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Rules, to whom was referred the following amendment to Rule No. 70:

"Amend Rule 70, by adding to the end thereof the following:

(37) A Committee on Legislative Representation.

This Committee shall consist of seven members, and it shall be the duty of every legislative representative, and every attorney, agent or employee of any person, firm or corporation, or of any class or group of persons, firms or corporations, who, in the City of Austin, shall in any manner attempt to aid or influence the passage or defeat of any legislation pending or to be pending; or which may be introduced in either house of the Legislature, first to register with the Committee on Legislative Representation by filing with its chairman a sworn statement, setting forth such facts and on such forms as the Committee may prescribe, such statements so filed to be a part of the records of the Senate.

It shall be a violation of the Rules of the Senate, punishable as for contempt, for any person, in the City of Austin, to communicate with or interview any Senator touching any such legislative matter or to appear before any Committee of the Senate in connection therewith without first having registered, as herein required.

The Committee on Legislative Representation shall have the power to send for persons and papers and to summon and examine witnesses under oath, and it shall be its duty to make such examinations and investigations as it shall deem advisable, or as may be requested in writing by any Senator, for the purpose of ascertaining and informing the Senate of the facts pertinent to the employment or compensation of any legislative representative, agent or attorney, or of the methods used by any such representative, agent or attorney, to influence legislation, including, any

contributions heretofore made by any such representative, agent or attorney, or by any person, firm or corporation represented by them, to campaign funds of this State.

Said Committee shall hold open sessions, and from time to time, shall report to the Senate the testimony of all witnesses examined by it and all sworn statements filed with its chairman."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, Jan. 13, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred the following amendment to the rules:

"Amend Senate Rule 80 so that hereafter it shall read as follows:

'(80) Nominations shall be acted on in open session unless, by majority vote, in any case, the Senate shall order an executive session for that purpose.'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, Jan. 13, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred the following amendment to the rules:

"Amend Senate Rule 83, as follows:

'(83) When a nomination is considered in executive session, all information and remarks touching the character or qualifications of the nominee shall be kept secret.'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, Jan. 13, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred the following amendment to the rules:

"Amend Rule 62 by striking out subdivision three, under paragraph nine, reading:

'To suspend any rule of the Senate,' and by renumbering the other subdivisions to correspond'."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, Jan. 13, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred the following amendment to the rules:

"Amend Senate Rule 72 so that, hereafter, it shall read as follows:

'(72) The Senate, by majority vote, may add members to any committee, standing or special, at any time.'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Committee Room,

Austin, Texas, Jan. 13, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 31, A bill to be entitled "An Act to create the Bovina Independent School District, in Parmer County, Texas; including the present Bovina Common School District No. 5 of said county, and also including leagues 500, 499, 498, and 507, in the Common School District No. 16 of said county; providing a board of trustees therefor; vesting said Independent School District and board of trustees with all the rights, powers, privileges, and duties conferred upon independent school districts, incorporated under the General Laws of Texas, providing that the board of trustees of the present Bovina Common School District No. 5 shall continue to act as such until their successors are elected in accordance with the General Laws of Texas; providing a board of trustees to have power to appoint a tax assessor and a collector and a board of equalization for said district; providing that outstanding bonds shall remain chargeable

against the territory which voted same, and providing that the local tax assessment as heretofore existing in the Bovina Common School District No. 5 shall remain in force in the school district herein created; repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

WITT, Chairman.

FOURTH DAY.

Senate Chamber,
Austin, Texas.

Monday, January 17, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Lewis.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Ward:

S. B. No. 87, A bill to be entitled "An Act to amend Article 2496 of the

Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 88, A bill to be entitled "An Act to amend Article 2274 of Chapter 12, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 89, A bill to be entitled "An Act to amend Article 2162 of Chapter 8, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 90, A bill to be entitled "An Act to amend Article 9, Title 1, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 91, A bill to be entitled "An Act to amend Article 3726 of Title 55, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 92, A bill to be entitled "An Act to amend Article 3996 of Title 65, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 93, A bill to be entitled "An Act to amend Article 4930 of Chapter 11, Title 78, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 94, A bill to be entitled "An Act to amend Article 8306, Part 1, Title 130 of the Revised Civil Statutes of 1925, by adding thereto a section to be known as Section 11a, defining total and permanent injuries and declaring an emergency."